

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ECOSHIELD PEST SOLUTIONS
PORTLAND, LLC,

Plaintiff,

v.

GRIT MARKETING, LLC; ZACHARY
SEAGER; and CORBIN HANSEN,

Defendants.

No. 3:24-cv-00887-HZ

OPINION & ORDER

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HERNÁNDEZ, District Judge:

Plaintiff EcoShield Pest Solutions Portland, LLC, and Defendants Grit Marketing, LLC, Zachary Seager, and Corbin Hansen stipulate to entry of a preliminary injunction in this matter. Stip. Mot., ECF 13. For the following reasons, the Court will enter the stipulated injunction.

BACKGROUND

Plaintiff and its affiliates provide extermination and pest-control services for homes and businesses, using door-to-door salespeople to generate business. Compl. ¶ 1, ECF 1. Defendant Grit provides door-to-door sales services on behalf of pest-control companies. *Id.* ¶¶ 2-4. Defendant Seager is a regional manager of Defendant Grit, and Defendant Hansen is a sales representative for Defendant Grit and a member of Defendant Seager’s team. *Id.* ¶¶ 5, 7. Plaintiff alleges that Defendant Grit, through its salespeople, has engaged in unlawful and anti-competitive sales practices to force Plaintiff out of the Portland market. *Id.* ¶ 9.

Plaintiff filed its Complaint on May 31, 2024, bringing the following claims against Defendants: (1) tortious interference with economic relations; (2) price discrimination under O.R.S. 646.040; (3) special payments to customers under O.R.S. 646.070; (4) inducing price discrimination under O.R.S. 646.090; (5) monopolization under O.R.S. 646.730 and 646.780; and (6) monopolization of trade under 15 U.S.C. §§ 2, 15. Plaintiff moved for a temporary restraining order (“TRO”) on June 3, 2024. ECF 4. On June 5, 2024, the Court granted Plaintiff’s motion in part, ordering that “Defendant Grit Marketing, LLC, when acting by and through its

sales representatives, is temporarily restrained from coming within 50 feet of any persons wearing EcoShield-branded clothing.” Op. & Ord. 14, ECF 11. The Order was to expire in 14 days. *Id.* The Court scheduled a hearing on a motion for a preliminary injunction for June 20, 2024. ECF 12. On June 10, 2024, the parties filed the Stipulated Motion.

STANDARDS

A preliminary injunction is an “extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). A plaintiff seeking a preliminary injunction must show (1) that it is likely to succeed on the merits; (2) it is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of the equities tips in its favor; and (4) an injunction is in the public interest. *Id.* at 20.

DISCUSSION

The parties stipulate to a preliminary injunction on the same terms as the TRO until this case is resolved through dismissal or judgment. Stip. Mot. 2. They agree that the Court has the power to enter such an order. *Id.* (citing Fed. R. Civ. P. 45; *Montrose Envtl. Grp., Inc. v. Zephyr Air Qual. Servs., LLC*, No. 2:16-cv-00433-SAB, 2017 WL 393606, at *1 (E.D. Wash. Jan. 27, 2017)). For the reasons stated in its Opinion and Order issuing the TRO, the Court concludes that the stipulated preliminary injunction should be entered, and further concludes that Plaintiff shall not be required to give security under Federal Rule of Civil Procedure 65(c).

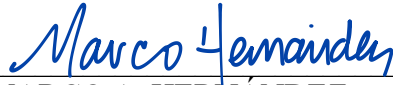
Because the parties have stipulated to the entry of a preliminary injunction, the Court will cancel the hearing set for June 20, 2024. The Court will set a scheduling conference after Defendants have responded to the Complaint.

CONCLUSION

The parties' Stipulated Motion for Entry of Preliminary Injunction [13] is GRANTED. Defendant Grit Marketing, LLC, when acting by and through its sales representatives in the State of Oregon, and until the conclusion of this action via dismissal or judgment, is enjoined from coming within 50 feet of any persons wearing EcoShield-branded clothing. Plaintiff is not required to give security under Federal Rule of Civil Procedure 65(c). The Court STRIKES the hearing set for June 20, 2024.

IT IS SO ORDERED.

DATED: June 12, 2024.



MARCO A. HERNÁNDEZ
United States District Judge